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REMARKS

Claims 1-30 and 32 are currently pending in the subject application and are presently under consideration. Claims 1, 23, and 32 have been amended to further emphasize features of applicants' claimed subject matter, and claim 31 has been cancelled herein without prejudice or disclaimer. A version of all pending claims is presented at pages 2-6 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claim 31 Under 35 U.S.C. §101

Claim 31 stands rejected under 35 U.S.C. §101 because it is alleged that the claimed invention is directed to non-statutory subject matter. Withdrawal of this rejection is requested for at least the following reasons. Claim 31 has been cancelled herein without prejudice or disclaimer. Accordingly, it is now believed that this rejection is moot and that the rejection should be withdrawn.

II. Rejection of Claims 31 and 32 Under 35 U.S.C. §102(e)

Claims 31 and 32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Takahashi *et al.* (US 6,539,481). This rejection should be withdrawn for at least the following reasons. Takahashi *et al.* does not disclose each and every aspect set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed subject matter relates to a system and method for pre-allocating resources to improve consumer experiences associated with registering for, and

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subsequently using, an application and/or service available over the Internet by reducing the problems associated with resource allocation delays and replication latencies. To this end independent claim 32, as amended, recites *means for pre-allocating the at least one resource for consumption by a consumer based at least in part on a resource type, a resource capacity, a resource location and a resource availability; and means for determining whether data concerning the consumer has been replicated to one or more resource managing components*. Takahashi *et al.* does not disclose or suggest these aspects of the claimed subject matter.

Takahashi *et al.* discloses a computer resource assignment apparatus, wherein a computer request processing section assigns a computer resource to a user in response to a temporary registration request from the user, and a registration request processing section that sends a user's request to a computer resource management section. The cited document however does not provide a means for pre-allocating at least one resource for consumption by a consumer based at least in part on a resource type, a resource capacity, a resource location and a resource availability, as provided by applicants' claimed subject matter. Rather Takahashi *et al.* provides a memory area previously reserved for assignment to a temporary registered user. (col. 5, lines 18-25). The cited document however, does not pre-allocate resources based at least in part on a resource type, a resource capacity, a resource location and a resource availability. The claimed subject matter in contrast, utilizes a pre-allocating means that pre-allocates resources for user consumption based at least in part on resource type, capacity, location and availability in order to reduce allocation delays and replication latencies. Thus, Takahashi *et al.* does not disclose this aspect of the claimed subject matter.

Additionally, contrary to the Examiner's assertion, Takahashi *et al.* does not disclose a means for determining whether data concerning the consumer has been replicated to one or more resource managing components. The passage cited by the Examiner to support his assertion, viz., col. 5, line 66-col. 6, line 19, states that a computer resource management section checks whether a user name is already registered by referring to a computer resource list. If it is determined that the user name exists in the computer resource list a computer resource management section informs a registration request processing section that the input user name is already registered. The

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registration request processing section then requests the user to enter another user name until such time that an unregistered user name is entered at which point the computer resource manager registers the user name. The cited passage however is silent regarding determining whether data concerning the consumer has been replicated to one or more resource managing components. Nowhere in the cited document is there mention of replicating information to one or more disparate resource managing components. The claimed subject matter in contrast determines whether data has been replicated to one or more resource managing components. Implicit therein is the fact that applicants' claimed subject matter replicates and distributes information to other components. Takahashi does not replicate any information and distribute this information to other components. All that the cited document realistically provides is that a computer resource list is updated with a user name that is unique. Accordingly, in view of at least the foregoing, the rejection of independent claim 32 should be withdrawn, and further the rejection of independent claim 31 should also be withdrawn in light of its cancellation herein.

III. Rejection of Claims 1-9, 22-23, 25 and 27-30 Under 35 U.S.C. §103(a)

Claims 1-9, 22-23, 25 and 27-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi *et al.* in view of Dworkin (US 2002/0071540). This rejection should be withdrawn for at least the following reasons. Takahashi *et al.* and Dworkin, either alone or in combination, do not teach or suggest all aspects set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the*

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prior art and not based on the Applicant's disclosure. See In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Independent claims 1 and 23, as amended, recite similar features, namely: *an allocator that pre-allocates the at least one resource based at least in part on an association between the at least one resource and a first resource manager, a resource capacity and a resource location, and a replicator that propagates information and generated data associated with the registering consumer to disparate plurality of resource managers and the router.* Takahashi *et al.* and Dworkin, alone and/or in combination, do not teach or suggest these exemplary claim features.

As stated *supra*, Takahashi *et al.* provides a computer resource assignment apparatus, wherein a computer request processing section assigns a computer resource to a user in response to a temporary registration request from the user, and a registration request processing section that sends a user's request to a computer resource management section. The primary document however, for reasons elucidated above, does not provide the teaching or suggestion upon which the Examiner places reliance to deprecate the claimed subject matter. In particular, the primary document does not pre-allocate resources based at least in part on an association between at least one resource and a first resource manager, a resource capacity and a resource location, and further the primary document is deficient in failing to provide a replicator that propagates information and data associated with a registering consumer to a disparate plurality of resource managers.

Moreover, the Examiner acknowledges that the primary document does not teach or suggest the allocator as recited in the subject claims. In order to remedy this deficiency the Examiner offers Dworkin. The secondary document provides an application service provider environment for hosting conferences wherein conferencing is made available to a wider user audience at a cost that is economical for less-frequent users. Dworkin however does not make up for the deficiencies with respect to Takahashi. Specifically, Dworkin does not facilitate pre-allocation of resources based at least in part on an association between one or more resources and a first resource manager, a resource capacity and a resource location, and further does not propagate information and data associated with a registering consumer to a disparate plurality of resource managers.

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Accordingly, in light of the fact that neither the primary nor the secondary documents provide teaching or suggestion with respect to the subject claims, withdrawal of this rejection with respect to independent claims 1 and 23 (and associated dependent claims) is requested.

IV. Rejection of Claims 10-11 and 26 Under 35 U.S.C. §103(a)

Claims 10-11 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi *et al.* and Dworkin in view of Makarios *et al.* (US 6,401,125). Withdrawal of this rejection is requested for at least the following reasons. Claims 10-11 and 26 depend from independent claims 1 and 23 respectively, and Makarios *et al.* does not remedy the deficiencies with respect to the primary and secondary documents and independent claims 1 and 23. Makarios *et al.* is directed towards techniques for aiding intelligent proxies in identifying clients or users so that proxies may appropriately customize network communications for those clients. Accordingly, this rejection should be withdrawn.

II. Rejection of Claims 12-21 Under 35 U.S.C. §103(a)

Claims 12-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi *et al.* and Dworkin in view of Zadikian *et al.* (US 6,631,134). This rejection should be withdrawn for at least the following reasons. Claims 12-21 depend from independent claim 1, and the tertiary document does not rectify the deficiencies of Takahashi *et al.* and Dworkin with respect to these independent claims. Zadikian *et al.* provides a method for allocating bandwidth in an optical network, wherein a service provider determines an amount of bandwidth available between a first and second node and then allocates at least a portion of the amount of bandwidth so long as the bandwidth requirement is not greater than the amount of bandwidth available. Accordingly, withdrawal of this rejection is requested.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP182US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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